

# **ABSTRACT**

## **Ensuring the participation of persons in criminal proceedings**

The thesis provides a comprehensive account of the individual institutions of criminal procedure through which authorities involved in criminal proceedings ensure the participation of persons whose presence is essential for successfully conducting criminal proceedings. After a brief introduction, the first, most detailed chapter discusses all the procedural steps used to ensure the participation of the principal subject of criminal proceedings, namely the accused. In accordance with the basic principles of criminal procedure, particularly the principles of proportionality, restraint and subsidiarity, the discussion first focuses on less severe precautionary measures, that is summons, presentation, disciplinary fine and prohibition on foreign travel. The main part of the chapter is devoted to precautionary measures that place limitations on fundamental rights and freedoms, namely the personal liberty of the accused. These are detention, arrest and custody. The section on custody summarizes the legal conditions of custody and discusses in more detail the individual grounds of custody, the legal provisions regarding the decision process on custody and the examination of the existence of custody grounds. The pertinent case law is duly taken into account. The following chapters are dedicated to the issue of ensuring the participation of legal persons in criminal proceedings and the specific aspects associated with ensuring the participation of minors in accordance with special laws. To fulfil the purpose of criminal proceedings, it is necessary to ensure the presence of the accused, but also many other persons (witnesses, experts and interpreters, the prosecutor and the defence counsel). Chapter four is dedicated to ensuring the participation of these persons. The last chapter presents the legislative proposal and the implementation risks associated with the proposed 'detention on disciplinary grounds', which would allow for a short-term deprivation of personal freedom not only of persons against whom the proceedings are led, but also the witnesses and, where appropriate, other persons involved in criminal proceedings.